

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

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BOBBY GUTIERREZ, in his capacity as Wrongful  
Death Personal Representative of the Estate of  
ROBERT P. GUTIERREZ,

Plaintiff,

vs.

1:21-cv-00073-KWR-SCY

UNI TRANS, L.L.C., UNITRANS, L.L.C.,  
CEVA GROUND US., LP,

Defendants.

**MEMORANDUM OPINION AND ORDER**


THIS MATTER comes before the Court on Uni Trans, LLC's Response to this Court's Order Adopting Reports and Recommendations and Finding Defendant in Civil Contempt (Doc. 282). Doc. 288. Having reviewed the party's filings and the applicable law, the Court finds Defendant has complied with this Court's August 28, 2023, Order finding Defendant Uni Trans, LLC in civil contempt. Doc. 282.

By way of background, this diversity case is a personal injury action resulting from a tragic traffic collision in New Mexico. Plaintiff Bobby Gutierrez, in his capacity as Wrongful Death Personal Representative of the Estate of Mr. Gutierrez, alleges the following claims: Negligence and Negligence per se against Saydiev Otebek<sup>1</sup> and vicarious liability of Defendant Uni Trans, LLC ("Uni Trans") (Count I), and Negligence, Negligence per se, and Joint and Several Liability against all Defendants (Count II). Doc. 80. This Court adopted the Magistrate Judge's Report and Recommendations (Doc. 274) finding that Defendant did not comply and failed to make a reasonably diligent effort to comply with Plaintiff's production and interrogatory requests. Therefore, this Court then granted Plaintiff's

Motion to Compel Discovery Answers and Responses (Doc. 181) and granted in part Plaintiff's Supplemental Motion for Sanctions Stemming from Its Motions to Compel Discovery Answers and Responses (Doc. 227). In its order, the Court required Defendant Uni Trans, LLC to cure certain deficiencies, or face a fine of \$1,000 per day. *See* Doc. 282 at 20-21. Defendant filed a response representing that it resolved the deficiencies identified in the Court's order, and no party has disputed those representations. Doc. 288.

Defendant Uni Trans, LLC has satisfactorily cured deficiencies in its answers regarding Plaintiff's interrogatories and requests for production. Doc. 288-1. Therefore, this Court finds Defendant has complied with its obligations outlined in this Court's Order Adopting Reports and Recommendations and Finding Defendant in Civil Contempt. Doc. 282. As such, Defendant is no longer in civil contempt, having complied with this Court's Order. The sanction outlined for noncompliance, a \$1,000 daily fine, is moot, and Defendant Uni Trans, LLC is not subject to the monetary sanction.

**IT IS THEREFORE ORDERED** that Defendant Uni Trans, LLC is no longer in civil contempt and has complied with this Court's August 28, 2023, Order instructing Defendant to cure production and interrogatory deficiencies. Defendant is not subject to the daily, \$1,000 monetary sanction outlined in Document 282.

  
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KEA W. RIGGS  
UNITED STATES DISTRICT JUDGE